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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,246	10/09/2001	Sami Mangoubi	26/414	3978

7590 08/22/2003

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EXAMINER

SONG, HOON K

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/972,246

Applicant(s)

MANGOUBI, SAMI

Examiner

Hoon Song

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 1,2,9,10 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2882

### **DETAILED ACTION**

Applicant's election of group I (claims 1-14) in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

#### ***Claim Objections***

Claims 1-2, 9-10 and 12 are objected to because of the following informalities:

Regarding claim 1, insert "and" in end of line 2.

Remove "; and" in line 3 and insert ".".

Regarding claim 2, paragraph (c) is mistakenly inserted in claim 2 or does not make the claim 2 readable.

Claims 9-10 and 12 recite the limitation "said intervening" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher (US 5776612).

Art Unit: 2882

Regarding claim 1, Fisher teaches an optical window assembly (figure 1) comprising:

- (a) an outer window (42); and
- (b) an inner window (40).

Regarding claim 2, Fisher teaches that the optical window assembly comprising, (c) a housing (26), wherein said outer window and said inner window are mounted, said housing holding said outer window and said inner window apart, thereby forming an intervening space (70) between said outer window and said inner window (figure 1 and 6).

wherein said outer window includes an outer surface facing away from said inner window and an inner surface facing towards said inner window, wherein said inner window includes an outer surface facing towards said outer window and an inner surface facing away from said outer window (figure 6), and

wherein at least one of said surfaces is coated with an optical coating that is substantially transparent in at least one wavelength bared selected from the group consisting of visible wavelength bands and infrared wavelength bands and that is substantially opaque to electromagnetic radiation of radio and radar frequencies (column 1 line 55+).

Regarding claim 3, Fisher teaches that said inner surface of said inner window is coated with said optical coating (figure 4).

Regarding claim 4, Fisher teaches that said optical coating is electrically conductive (figure 4).

Art Unit: 2882

Regarding claim 5, Fisher teaches that said optical coating includes at least one material selected from the group consisting of doped gallium arsenide and doped germanium (column 7 line 32+).

Regarding claim 6, Fisher teaches that said outer window includes an outer surface facing away from said inner window and an inner surface facing towards said inner window, wherein said inner window includes an outer surface facing towards said outer window and an inner surface facing away from said outer window, and wherein at least one of said surfaces is coated with an antireflective coating (66, 72, 74, 84).

Regarding claim 7, Fisher teaches that said outer surface of said outer window, said inner surface of said outer window and said outer surface of said inner window are coated with said anti-reflective coating (66, 72, 74, 84).

Regarding claim 8, Fisher teaches that said anti-reflective coating is heat resistant (column 6 line 35+).

Regarding claim 9, Fisher teaches that said intervening space (70) is occupied by a vacuum (well known).

Regarding claim 10, Fisher teaches that said intervening space is occupied by a thermally insulating substance (air).

Regarding claim 11, Fisher teaches that said thermally insulating substance is a gas (air, well known).

Regarding claim 12, Fisher teaches that said intervening space is occupied by a coolant (air).

Regarding claim 13, Fisher teaches that said windows are planar (figures).

Art Unit: 2882

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher in view of Fisher (US 6028699).

Regarding claim 14, Fisher ('612) fails to teach that said windows are curved but Fisher ('699) teaches the curved windows.

In view of Fisher ('699), one would be motivated to adopt the curved window in order to install in a missile dome (column 3 line 7+).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon Song whose telephone number is 703-308-2736. The examiner can normally be reached on 8:30 AM - 5 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on 703-308-4858. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Application/Control Number: 09/972,246

Page 6

Art Unit: 2882

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Hoon Song  
August 6, 2003

A handwritten signature in black ink, appearing to read "David Bruce", written in a cursive style.

**DAVID V. BRUCE**  
**PRIMARY EXAMINER**